

SENATE BILL 2142

By Finney R.

AN ACT to amend Tennessee Code Annotated, Title 56,
Chapter 38, Part 1, to enact the "Amusement Ride
and Attraction Safety Act."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 56, Chapter 38, Part 1, is amended by deleting the part in its entirety and by substituting instead Sections 2 through 4 of this act as a new part thereto.

SECTION 2. The title of this act is and may be cited as the "Amusement Ride and Attraction Safety Act".

SECTION 3. As used in this act, unless the context otherwise requires:

(1) "Amusement ride" means any of the following, which is primarily for the purpose of giving its patrons amusement, pleasure, thrills, or excitement, and which is open to the general public excluding skill teaching, exercise, and team building:

(A) Any mechanical device that carries or conveys passengers along, around or over a fixed or restricted route or course or within a defined area;

(B) Any dry slide over twenty (20) feet in height excluding water slides;

(C) Any tram, open car, or combination of open cars or wagons pulled by a tractor or other motorized device, except hayrack rides, those used solely for transporting patrons to and from parking areas, or those used for guided or educational tours, but does not necessarily follow a fixed or restricted course;

(D) Any bungee cord attraction or similar elastic device;

(E) Any climbing wall over ten feet (10') in height except for not-for-profit entities that follow the YMCA Services Corporation's Climbing Walls Safety Guidelines or the Boy Scouts of America Guidelines;

(2) "Department" means the department of safety;

(3) "Commissioner" means the commissioner of safety;

(4) "Operator" means a person or the agent of a person who owns or controls, or has the duty to control, the operation of an amusement ride or related electrical equipment;

(5) "Owner" means a person who owns, leases, controls or manages the operations of an amusement ride and may include the state or any political subdivision of the state;

(6) "Qualified inspector" means any person who is:

(A) Found by the commissioner to possess the requisite training and experience in respect of amusement rides to perform competently the inspections required by this act;

(B) Certified by the National Association of Amusement Ride Safety Officials (NAARSO) to have and maintain at least a level one certification; or

(C) Is a member of the Amusement Industry Manufacturing and Suppliers (AIMS) and meets such qualifications as are established by the board;

(7) "Related electrical equipment" means any electrical apparatus or wiring used in connection with amusement rides;

(8) "Safety rules" means the rules and regulations governing rider conduct on an amusement ride, provided such rules and regulations are prominently displayed at or near the entrance to, or loading platform for, the amusement ride;

(9) "Serious physical injury" means a patron personal injury immediately reported to the owner or operator as occurring on an amusement ride and which results in death, dismemberment, significant disfigurement or other significant injury that

requires immediate in-patient admission and twenty-four (24) hour hospitalization under the care of a licensed physician for other than medical observation; and

(10) "Serious incident" means any single incident where three (3) or more persons are immediately transported to a licensed off-site medical care facility for treatment of an injury as a result of being on or the operation of the amusement ride.

SECTION 4. The commissioner shall promulgate rules in accordance with the Uniform Administrative Procedures Act, title 4, chapter 5, necessary for the safe and beneficial operation of amusement rides, including rules for the reporting of any fatalities or serious physical injuries incurred from the operation of amusement rides, or specifically related electrical equipment, and the subsequent inspection of such amusement rides and related electrical equipment.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.